

**PLAN SPONSOR CERTIFICATION OF  
HIPAA PRIVACY PLAN AMENDMENTS  
FOR MONTGOMERY COUNTY GROUP INSURANCE PLANS**

The undersigned duly authorized representative of Montgomery County, Plan Sponsor of the Montgomery County FLEXPLAN (and its associated component plans), the Medical Indemnity Plan, the Vision Plan for retirees, the Long Term Care Plan and the EAP Plan (collectively, the "Plan(s)"), certifies by this instrument that the governing Plan was amended, effective April 14, 2003, to incorporate the provisions described below:

**Privacy Agreements of Montgomery County.** As a condition for obtaining PHI from the Plan (including PHI from any Business Associate, health insurance issuer or HMO), Montgomery County agrees it will:

- a. Not use or further disclose such PHI other than as permitted by the terms of the Plan or governing law;
- b. Ensure that any of its agents, including a subcontractor, to whom it provides the PHI agree to the same restrictions and conditions that apply to Montgomery County with respect to such information;
- c. Not use or disclose the PHI for employment-related actions and decisions or in connection with any other benefit or employee benefit plan of Montgomery County;
- d. Report to the Plan any use or disclosure of the PHI that is inconsistent with the uses or disclosures provided for of which Montgomery County becomes aware;
- e. Make the PHI of a particular Participant available for purposes of the Participant's requests for inspection, copying, and Amendment, and carry out such requests in accordance with HIPAA 45 CFR 164.524 and 164.526;
- f. Make the PHI of a particular Participant available for purposes of an accounting required of any disclosures by Montgomery County pursuant to the Participant's request for such an accounting in accordance with HIPAA 45 CFR 164.528;
- g. Make Montgomery County's internal practices, books, and records relating to the use and disclosure of PHI received from the Plan available to the Secretary of the U.S. Department of Health and Human Services for purposes of determining compliance by the Plan with HIPAA;
- h. If feasible, return or destroy all PHI received from the Plan that Montgomery County still maintains in any form and retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that, if such return or destruction is not feasible, Montgomery County agrees to limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible; and

- i. Ensure that there is adequate separation between the Plan and Montgomery County by implementing provisions of the Plan describing persons or classes of persons employed or controlled by Montgomery County who may access Plan PHI, restricting the access and use of PHI by those persons to Plan Administrative functions, and providing a mechanism for resolving issues caused by such persons' noncompliance with the Plan's provisions regarding use and disclosure of PHI.

This certification is provided in accordance with the regulations issued under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

Being duly authorized by Montgomery County, the undersigned hereby certifies by execution of this instrument on this 14<sup>th</sup> day of April, 2003, that the Montgomery County Plan was amended to include the provisions described above, and that Montgomery County agrees to such provisions.

**Montgomery County**

By:  \_\_\_\_\_

Bruce Romer  
(print name)

Title: Chief Administrative Officer